



PLANNING COMMISSION AGENDA REPORT

III. 6

MEETING DATE: JULY 11, 2005

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-05-07
147 23RD STREET

DATE: JUNE 30, 2005

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611

DESCRIPTION

The applicant is requesting approval of variances from lot area (12,000 square feet required; 4,455 square feet and 4,469 square feet proposed) and lot width (100 feet required; 59 feet and 61 feet proposed) in conjunction with a development review to construct two, 2 story, 3,200 square foot single family residences.

APPLICANT

The applicant is Pete Volbeda, representing the owner of the property, Jim Cefalia.

RECOMMENDATION

Deny the variances and approve the development review, by adoption of Planning Commission resolution.

MEL LEE, AICP
Senior Planner

R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 147 23rd Street Application: PA-05-07

Request: Construct two, 2-story residential units with variances from lot size and lot width requirements.

SUBJECT PROPERTY:

Zone: R2-MD
 General Plan: Medium Density Residential
 Lot Dimensions: 75 FT x 121 FT
 Lot Area: 8,924 SF
 Existing Development: One-story single family residence

SURROUNDING PROPERTY:

North: (Acr 23rd St.) R2-MD- Residences
 South: R2-MD- Residence
 East: (Acr. Elden Ave.) R2-MD- Residences
 West: R2-MD- Residence/Vacant Lot

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width	100 FT	59 FT (Lot 1)* 61 FT (Lot 2)*
Lot Area	12,000 SF	4,469 SF (Lot 1)* 4,455 SF (Lot 2)*
Density:		
Zone	1 du/3,630 SF	1 Lot: 1 du/4,462 SF 2 Lots: 1 du/4,455 & 4,469 SF
General Plan	1 du/3,630 SF	1 Lot: 1 du/4,462 SF 2 Lots: 1 du/4,455 & 4,469 SF
Building Coverage (Development Lot):		
Buildings	NA	3,784 SF (42%)
Paving	NA	800 SF (9%)
Open Space	3,569 SF (40%)	4,340 SF (49%)
TOTAL		8,924 SF (100%)
Open Space (Individual Lots)	Lot 1: 1,788 SF (40%) Lot 2: 1,782 SF (40%)	Lot 1: 2,177 SF (49%) Lot 2: 2,163 SF (48%)
Building Height:	2 Stories 27 FT	2 Stories 26 FT, 3 IN
Chimney Height	29 FT	29 FT
First Floor Area (Including Garage)	NA	1,892 SF
Second Floor Area	NA	1,315 SF
2nd Floor% of 1st Floor**	80%	69%
Rear Yard Lot Coverage	25% (315 SF)	23% (Lot 1) 25% (Lot 2)
Setbacks		
Front	20 FT	20 FT (Both Lots)
Side (left/right)	Lot 1 (Interior Lot): 5 FT (1 Story)/ 10 FT Avg. (2 Story)** Lot 2 (Corner Lot) 10 FT/10 FT Avg.	Lot 1: 5 FT/10 FT Avg. Lot 2: 10 FT/10 FT Avg.
Rear	10 FT (1 Story) 20 FT (2 Story)	10 FT (1 Story) 20 FT (2 Story) (Both Lots)
Parking:		
Covered	2	2
Open	2	2
TOTAL	4 Spaces	4 Spaces
Interior garage dimension	20 FT	20 FT

NA = Not Applicable or No Requirement

*Does Not Comply With Code – Variance Requested

**Residential Design Guideline

CEQA Status Exempt, Class 3

Final Action Planning Commission

BACKGROUND

The site contains an existing one-story residence, which is proposed to be demolished to accommodate the proposed project.

ANALYSIS

The applicant is proposing to construct two, 2 story, 3,200 square foot single-family residences on the property. Because the property is zoned R2-MD, two units are allowable, however, the applicant is proposing to sell the units independent of one another; in order to do that, the property would need to be subdivided into two lots.¹ Code Section 13-32 requires newly subdivided R2-MD zoned properties to provide a minimum lot size of 12,000 square feet and a minimum lot width of 100 feet, neither of which can be met with this property. Because the proposed lots would not comply with the minimum lot width or lot size specified in the R2-MD zone, the applicant is requesting approval of a variance.

If the variances were to be approved, the applicant would need to submit a separate parcel map application to subdivide the lots.

Variances

Code Section 13-29(g)(1) allows granting a variance where special circumstances applicable to the property exist, such as an unusual lot size, lot shape, topography, or similar features, and where strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other properties in the vicinity under an identical zoning classification. Other factors (such as existing site improvements) may also be considered.

The existing property is nonconforming with regard to lot size (8,924 square feet is existing) and lot width (75 feet is existing). It is staff's opinion that there is no basis for approval of the requested variances because there are no special circumstances applicable to the property such as an unusual lot size, topography, or similar features because the property is rectangular and flat, and the existing structure on the property is proposed to be demolished.

Additionally, the variances would not deprive the property owner of privileges enjoyed by owners of other properties in the vicinity because the property abutting the site to the west is mostly vacant, with the exception of a small one-story residence. This lot, which conforms to code (121 feet in width and 16,335 square feet in area) could be combined with the subject property and accommodate a future R2-MD zoned development that complies with the zoning code and provide for home ownership opportunities as prescribed in the City's General Plan.

¹ Code requires a minimum of three units for a common interest development, so that option is also not available without a variance.

In the project description/justification form provided by the applicant, he points out that there is an existing two-unit common interest development directly across the street, (addressed as 2292 Elden Avenue) and that the Planning Commission approved a similar variance for a project located at 120 Monte Vista Avenue in June 2004.

With regard to the applicant's comment related to the two-unit common interest development, that project predated the current code requirements for a minimum of three units, which was put in place in the 1990's to ensure long-term maintenance of common areas via a homeowner's association as a trade-off for smaller residential lots. The three-unit minimum was also seen as a method to encourage consolidation of nonconforming residential lots. The applicant's request does just the opposite by subdividing an already substandard lot into ever smaller lots.

With regard to the previously approved variance, on June 28, 2004, Planning Commission approved PA-04-20, located at 120 and 122 Monte Vista Avenue, to allow variances from lot size and lot width in conjunction with the construction of two single family residences; however in that instance, the parcel could not be combined with any adjoining properties because they were fully developed and contain multiple family residences.

If the variance from lot size and lot width are not approved, the applicant could still construct the residences as rental units.

Development Review

A development review is required for the two proposed residences. Normally, development reviews are considered by staff; however, to expedite processing, the request is being combined with the variances.

Although both units are two-story, a minor design review is not required because the design of the residences meets the intent of the City's Residential Design Guidelines. Specifically, the proposed two-story residences incorporate multiple building planes and breaks in the elevations and roofs to create visual interest and adequate transitions from the first to second floor. Privacy impacts from second story windows on adjacent properties would be minimal because of the orientation of the windows facing toward the street and the distance between the second story windows and the structures on the abutting residential properties.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act.

ALTERNATIVES

The Commission has the following alternatives:

1. Approve the development review and deny the variances as recommended by staff;
2. Approve the development review and variances; or
3. Deny the development review and deny the variances. The applicant could not submit substantially the same type of application for six months.

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to approve the project as a two-unit common interest development. If the Commission were to consider this alternative, a continuance of the public hearing to provide new notices would be required.

CONCLUSION

If the variances are denied, it would prevent the residences from being sold independently; however, the units could still be constructed as rental units. If the Commission were to approve the variances, appropriate findings would need to be made.

CONCLUSION

Because staff cannot make the appropriate findings for the variances for lot size and lot width, staff recommends denial of the variances. Because the units themselves satisfy all applicable code requirements and the Residential Design Guidelines, the development review can be approved but, with the denial of the variances, the units could not be sold independent of one another.

Attachments:

1. Draft Planning Commission Resolution
2. Exhibit "A" - Draft Findings
3. Exhibit "B" - Draft Conditions of Approval
4. Applicant's Project Description and Justification
6. Location Map
7. Plans/Photos

cc: Deputy City Mgr.-Dev. Svs. Director
 Senior Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Pete Volbeda
 615 N. Benson Avenue, Suite C
 Upland, CA 91786

Jim Cefalia
 930 W. Oceanfront
 Newport Beach, CA 92662

RESOLUTION NO. PC-05-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF COSTA MESA APPROVING A PART OF PLANNING
APPLICATION PA-05-07**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Pete Volbeda, representing the owner of the property, Jim Cefalia, with respect to the real property located at 147 23rd Street, requesting approval of variances from lot area (12,000 square feet required; 4,455 square feet and 4,469 square feet proposed) and lot width (100 feet required; 59 feet and 61 feet proposed) in conjunction with a development review to construct two, 2 story, 3,200 square foot single family residences; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 11, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** PA-05-07 with respect to the development review, and **DENIES** the requested variances with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this resolution is expressly predicated upon the activity as described in the staff report for PA-05-07 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, then this resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 11th day of July, 2005.

Chair, Costa Mesa
Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on July 11, 2005, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

- A. The information presented does not comply with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property do not exist to justify granting of the variances from lot size and lot width requirements. Strict application of the zoning ordinance would not deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. Specifically, the property abutting the site to the west is mostly vacant, with the exception of a small one-story residence. This lot, could be combined with the subject property to accommodate a future development that complies with the zoning code and provides for home ownership opportunities as prescribed in the City's General Plan. There are no special circumstances applicable to the property such as an unusual lot size, lot shape, topography, or similar features with regard to the requested variance for open space. Specifically, the site is rectangular and flat, and the existing structure on the property will be demolished.
- B. The information presented substantially complies with Costa Mesa Municipal Code with regard to the development review in that the project complies with the City of Costa Mesa Zoning Code and meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community.
- C. The proposed project, exclusive of the variances from lot size and lot width discussed in Finding A, complies with Costa Mesa Municipal Code Section 13-29(e) because:
 - a. The proposed building and site development is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The proposed building and site development is consistent with the General Plan.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- E. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng. 1. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc, shall be blueprinted on the site plan and on all floor plans in the working drawings.
2. Prior to issuance of building permits, applicant shall contact the U.S. Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
3. Street addresses shall be displayed on the front of each unit. Street address numerals shall be a minimum 6 inches in height with not less than 1/2-inch stroke and shall contrast sharply with the background.
4. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
5. The applicant shall contact Comcast (cable television) at 200 Paularino, Costa Mesa, (888.255.5789) prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
6. The conditions of approval, ordinance and code provisions of PA-05-07 shall be blueprinted on the face of the site plan.
7. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
8. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
9. Existing mature vegetation shall be retained wherever possible. Should it be necessary to remove existing vegetation, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed, and shall be replaced on a 1-to-1 basis. This condition shall

- be completed under the direction of the Planning Division.
10. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 6 p.m. on Saturday. Construction is prohibited on Sundays and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
- Eng. 11. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**